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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,116	12/21/2001	Rod Walsh	4208-4041	7018
27123	7590	10/29/2007		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER VU, THONG H	
			ART UNIT 2619	PAPER NUMBER
			NOTIFICATION DATE 10/29/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/032,116

Applicant(s)

WALSH ET AL.

Examiner

Thong H. Vu

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2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 24-65 are pending.

Response to Arguments

Applicant's arguments filed 10/11/07 have been fully considered but they are not persuasive to overcome the prior art.

2. Applicant argues the prior art does not teach or suggest "...performing measurement corresponding to the monitoring, wherein one or more value are obtained; selecting data, wherein selection is based upon one or more of the values..."

Examiner points out the prior art taught the filtering with optional filter 58, 58 B, 58 C and 58D in Fig 7A wherein each of individual ISPs may also selectively store content based on the site from which the content originates and/or based on the content itself [El-Rafie, col 19 lines 5-37]; wherein the token is in communication with the terminal and is selected from the group consisting of an access card, a data key, id value, a password, encrypted ID [El-Rafie, col 30 lines 18-26].

Thus the rejection is sustained.

Claim Rejections - 35 USC § 102

Claims 24-65 are rejected under 35 U.S.C. 102(e) as being anticipated by El-Rafie [6,968,394 B1].

3. As per claim 24, El-Rafie discloses A method, comprising:

monitoring an interaction network; performing measurement corresponding to the monitoring, wherein one or more values are obtained [El-Rafie, control the interaction, col 21 lines 33-53; monitor and measure the activities via the Internet, col 26 lines 10-32; selected an ID value, col 30 line 24];

selecting data, wherein selection is based upon one or more of the values [El-Rafie, each of individual ISPs may also selectively store content based on the site from which the content originates and/or based on the content itself , col 19 lines 5-37]; and

sending the selected data over a multicast network [El-Rafie, multicast client, multicast server, col 13 lines 35-54, Fig 7].

4. As per claim 25, El-Rafie discloses the multicast network is unidirectional as inherent feature of multicast network.

5. As per claim 26, wherein the interaction network is bidirectional as inherent feature of multicast network.

6. As per claim 27, El-Rafie discloses, in monitoring the interaction network, a predetermined number of requests for a page are recognized [El-Rafie, a threshold value, col 14 lines 21-53], and wherein selecting the data comprises selecting a promotional file [El-Rafie, advertise, col 27 line 15].

7. As per claim 28, El-Rafie discloses the data is selected based upon number of requests for the data [El-Rafie, a threshold value, col 14 lines 21-53].

8. As per claim 29, El-Rafie discloses the data is selected based upon number of requests for the data that originate from a broadcast cell [El-Rafie, a threshold value, col 14 lines 21-53].

9. As per claim 30, El-Rafie discloses selecting the data comprises prediction based on normal subsequent data choice.

10. As per claim 31, El-Rafie discloses selecting the data is selected based upon chance of link from requested data being followed.

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11. As per claim 32, El-Rafie discloses sponsored preferable a sponsor policy is employed [El-Rafie, filtering, col 19 line 3-37; Parental control filtering, col 27 line 10].

12. As per claim 33, El-Rafie discloses the monitoring comprises employment of a network management agent [El-Rafie, management console 85, col 28 line 7, Fig 7].

13. As per claim 34, El-Rafie discloses the monitoring comprises employment of a proxy [El-Rafie, a proxy server, col 9 line 50-55].

As per claim 35, El-Rafie discloses A method, comprising:

providing, via an interaction network, one or more requests [El-Rafie, interaction, col 21 line 41; monitor and measure the activities via the Internet, col 26 lines 10-32]; and receiving, over a multicast network, selected data through a local proxy [El-Rafie, multicast client, multicast server, col 13 lines 35-54, Fig 7; a proxy server, col 9 line 50-55],

wherein measurement corresponding to monitoring of the interaction network is performed, wherein one or more values are obtained, and wherein selection of the data takes into based upon one or more of the values [El-Rafie, is selected from the group consisting of an access card, a data key, id value, a password, encrypted ID, col 30 lines 18-26].

14. As per claim 44, El-Rafie discloses An apparatus, comprising:
a memory having program code stored therein; and a processor disposed in communication with the memory for carrying out instructions in accordance with the stored program code [El-Rafie, web server, col 9 lines 50-55];

wherein the program code, when executed by the processor, causes the processor to perform [El-Rafie, a single interactive program, col 2 line 45]:

monitoring an interaction network; performing measurement corresponding to the monitoring, wherein one or more values are obtained [El-Rafie, interaction, col 21 line 41; monitor and measure the activities via the Internet, col 26 lines 10-32; selected an ID value, col 30 line 24];

selecting data, wherein selection monitoring is based upon one or more of the values; and sending the selected data over a multicast network [El-Rafie, is selected from the group consisting of an access card, a data key, id value, a password, encrypted ID, col 30 lines 18-26].

As per claim 55 El-Rafie discloses An apparatus, comprising:

a memory having program code stored therein; and a processor disposed in communication with the memory for carrying out instructions in accordance with the stored program code [El-Rafie, web server, col 9 lines 50-55];

wherein the program code, when executed by the processor, causes the processor to perform [El-Rafie, a single interactive program, col 2 line 45]:

providing, via an interaction network, one or more requests; and receiving, over a multicast network, selected data through a local proxy [El-Rafie, multicast client, multicast server, col 13 lines 35-54, Fig 7; a proxy server, col 9 line 50-55],

wherein measurement corresponding to monitoring of the interaction network is performed, wherein one or more values are obtained [El-Rafie, monitor and measure the activities via the Internet, col 26 lines 10-32; selected an ID value, col 30 line 24],

and wherein selection of the data is based upon one or more of the values [El-Rafie, is selected from the group consisting of an access card, a data key, id value, a password, encrypted ID, col 30 lines 18-26].

15. As per claim 64, El-Rafie discloses An article of manufacture comprising a computer readable medium containing program code that when executed causes an apparatus to perform:

monitoring an interaction network; performing measurement corresponding to the monitoring, wherein one or more values are obtained [El-Rafie, interaction, col 21 line 41; monitor and measure the activities via the Internet, col 26 lines 10-32; selected an ID value, col 30 line 24];

selecting data, wherein selection is based upon one or more of the values; and sending the selected data over a multicast network [El-Rafie, determine or select the size of data based on a threshold value, col 14 lines 21-53].

16. As per claim 65, El-Rafie discloses An article of manufacture comprising a computer readable medium containing program code that when executed causes an apparatus to perform:

providing, via an interaction network, one or more requests; and receiving, over a multicast network, selected data through a local proxy [El-Rafie, multicast client, multicast server, col 13 lines 35-54, Fig 7; a proxy server, col 9 line 50-55],

wherein measurement corresponding to monitoring of the interaction network is performed, wherein one or more values are obtained [El-Rafie, control the interaction,

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col 2 line 41; monitor and measure the activities via the Internet, col 26 lines 10-32; selected an ID value, col 30 line 24], and

wherein selection of the data takes is based upon one or more of the values [El-Rafie, is selected from the group consisting of an access card, a data key, id value, a password, encrypted ID, col 30 lines 18-26].

17. Claims 36-43; 45-54; 56-63 contain the identical limitations set forth in claims 25-34. Therefore claims 36-43; 45-54; 56-63 25-34 are rejected for the same rationale set forth in claims 25-34.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Thong H. Vu* whose telephone number is 571-272-3904. The examiner can normally be reached on 6:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jay Patel* can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thong Vu
Primary Examiner

THONG VU
PRIMARY PATENT EXAMINER

